Newspapers by ancestry
https://www.newspapers.com/image/431410000

Daily News (New York, New York) · Sun, Feb 26, 1928 · Page 381

Downloaded on Feb 23, 2021

TO JUSTICE?

Colored Man's Confession Exonerated Frank Eight Years After the Lynching

ather person in the factory that afternoon.

Jim Conley, a low, squatty colored man of 27, with a "ginger-cake" complexion—just the opposite to the description given in the notes found by the body—had worked for the pencil company for

(NEWS photo)
Hugh M. Dorsey, later governor, prosecuted the Frank case.

two years; he was a floor sweeper. He had been fined six times for disorderly conduct and had been found more than once lying drunk in the factory.

Conley was arrested the Thursday after the crime. He was taken into custody at the factory while trying to wash some stains from a shirt. He denied that he had been near the place on the previous Saturday. He also denied that he could write.

This was the first of five different stories told by Conley. The last story was the one he told on the witness stand at Frank's trial.

The police accepted Conley's story that he could not write but questioned him again when they learned from Frank that the man really could write. The accused superintendent stated that Conley several times had written notes to him in reference to money due him.

The police did not learn this fact until three weeks after Conley was arrested, as Frank had not been informed about Conley's denial that he could write.

In his second story, as given out by the authorities, the floor sweeper admitted not only that he could write but that he had written one of the notes found near the body! He said the note had been written at Frank's dictation the day before the crime. He still maintained he was not at the factory on the 26th.

Both notes were palpably in the same handwriting but Conley insisted that Frank had written one of them himself.

At this point the police learned from a woman that she had seen Conley loitering around the entrance to the factory on the morning of the crime. Confronted by this, Conley admitted he had been at the factory but nevertheless knew nothing of the murder. He said he had written one of the notes at Frank's dictation on the day of the crime and that Frank had written the other. He said he had no idea as to the purpose of the notes at the time.

In his final story, the one which the state used to convict Frank, Conley said he had stood watch at the entrance to the factory while Frank entertained his young visitor and that he later helped dispose of the body. He also said then that he had written both notes at Frank's dictation.

Leo Frank was indicted for the murder on May 24 and his trial began on July 28 before Judge L. S. Roan. The defense lawyers were Luther Z. Rosser and Reuben R. Arnold, two of the best criminal lawyers in the south, and the prosecution was in charge of Solicitor General Hugh M. Dorsey, who later became governor.

It was during the hottest days of summer. The windows were open; the heads of men standing in the street were practically on a level with the sills.

Time and again the crowd applauded and stamped their feet in approval of some act of the prosecutor and laughed aloud at the objections of Frank's lawyers. When

Detective William J. Burns was nearly lynched while he was investigating the case for Frank.

the defense lawyers, early in the trial, called the names of several Jewish women as character witnesses for Frank, the crowd jeered and laughed.

Dorsey's Address.

In his letter to his uncle Frank had enclosed the weekly statement and said that he and Lucille, his wife, were well and he hoped all the family in Brooklyn were in good health. Then he had written, "It is too short a time since you left for anything startling to have developed down here." After that he had mentioned about the opera being in Atlanta, etc.

Said Dorsey to the jury:

"Now here is a sentence that is pregnant with significance, which bears the earmarks of a guilty conscience, tremulous as he wrote it. 'It is too short a time,' he says, 'since you left for anything startling to have developed down here.' Too short! Too short! Startling! But 'too short a time' and that itself shows that the dastardly deed was done in an incredibly short time.

"And do you tell me, honest men, fair men, courageous men, true Georgians seeking to do your duty, that that phrase, penned by that man to his uncle on Saturday afternoon, didn't come from a conscience that was its own accuser?"

While the prosecuting attorney was making his concluding argument in the case, the newspaper editors of Atlanta joined in a petition to the presiding judge to

(By Underwood)
The crowd in front of the undertaker's office in Atlanta where Leo Frank's body was taken. They were allowed to go into the office and view the body.

adjourn the case over for a day, "because," as the Atlanta Journal said, "it was known that a verdict of acquittal would cause a riot such as would shock the country and cause Atlanta's streets to run with innocent blood."

It was common street talk that the mob outside would seize the defendant if the jury discharged Frank or dared to disagree.

When the solicitor general was in the middle of his impassioned argument, pointing out how this "fiendish degenerate took Mary Phagan's life," he held up the bloody clothes before the jury.

Luther Z. Rosser, one of Frank's attorneys.

Dramatically pointing to them he cried, "I ask you to look at them—I ask you to look at them—I ask you to look at them!" In the tense stillness, Mary Phagan's mother uttered a terrifying shriek.

As Dorsey concluded his fiery address the bell in a neighboring church tolled and with each toll of the bell he uttered the words, "Guilty, guilty, guilty!"

The case went to the jury on Aug. 25. Huge crowds waited tensely in the streets. "Innocent or guilty, we'll get him!" was a remark frequently heard in the throng around the courthouse. When the crowd heard that Frank had been found guilty they went wild. Dorsey's appearance was the signal for an ovation. He was hoisted on strong shoulders and carried through the streets while the crowd cheered.

Frank was sentenced to die. In subsequent months the defense counsels gained many delays. When they exhausted every resource of the law the matter went to Gov. John M. Slaton. Conley in the meantime had been sentenced to one year in prison as an accessory.

On the night of June 21, 1915, the day before Frank was scheduled to die, the prisoner was smuggled out of the prison in Atlanta and delivered to the authorities of the state prison at Milledgeville, Ga. The next morning the governor announced he had decided to commute Frank's sentence to life imprisonment.

The governor's action aroused the bitterest feeling in the community. Crowds gathered around his home. He was forced to call out the troops and place his county under martial law. It was charged that he had received a fortune from wealthy Jews to commute Frank. As it turned out, this act ruined him politically.

The mob seemed, to a certain extent at least, defeated. But it did not stay defeated.

His Last Words.

On the night of Aug. 16 a party of citizens from Marietta, the home town of the murdered girl, raided the prison, overpowered the guards and took possession of Leo Frank. He was carried 175 miles across country in an automobile to a

(By Underwood)
The late Tom Watson directed an inflammable attack against Frank.

patch of woods opposite the Phagan home. The party, numbering about forty, gathered under a tree facing the Phagan home.

"Mr. Frank," said the spokesman, "we are going to do what the law said to do—hang you by the neck until you are dead. Do you want to make any statement before you die?"

Of course, we have not Frank's version of the affair, and never will have it. According to the lynchers, his reply was, "No."

"We want to know whether you are guilty or innocent of killing little Mary Phagan."

According to the lynchers, Frank said: "I think more of my wife and mother than I do of my life."

Whatever his reply, it was the last thing he said on this earth.

They swung him by the neck to that tree which came nearest to facing Mary Phagan's house. The news spread and the whole town turned out. Some one snapped a picture of Frank swinging from the limb. One man exhorted the crowd to burn the body; to cut it into pieces and burn it.

But by this time Judge Newton A. Morris, who had saved Detective William J. Burns from being lynched while the Burns agency investigated the murder for Frank, appeared at the scene. He gained possession of the body and rushed it to Atlanta, where he delivered it to the Frank family.

Now it was the nation's turn to be aroused. The action of the mob was condemned everywhere. The Atlanta Journal said, "Tom Watson has cost Georgia more than 10,000 good men and true can rebuild in twenty years. He has persistently sown the seeds of hate and violence and anarchy throughout Georgia.

"God may be able to forgive him, but Georgia will never be able to forget him and his hellish work."

That might have been the end of the story of Leo Frank, but it wasn't.

Eight years later, in October, 1923, a prominent Atlanta physician revealed that a colored man named Freeman, believing he was about to die, had ten years before

(By Pacific & Atlantic)
Ex-Gov. John M. Slaton ruined his political career by commuting Frank's sentence to life imprisonment.

confessed that he saw Jim Conley in the factory with the Phagan girl. He had seen Conley "tussling with a white girl" on the day of the murder.

The authorities had been informed about this statement, but by this time they had already settled upon Frank as the guilty man.

"Frank Exonerated!" stated the headlines all over the country.

And Justice?

(©, 1928, by THE NEWS, N. Y.)

Copyright © 2021 Newspapers.com. All Rights Reserved.
Powered by Newspapers.com